

JUDGE CASTEL

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

14 CV 9904-6 2014

PLAINTIFFS

Robert F. Fitzgerald

DEFENDANTS

212 Steakhouse, Inc., et ano

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

Phillips & Associates

45 Broadway, Ste 620, NY, NY 10006 2122487431

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

42 U.S.C. §§ 2000e to 2000e-17, Discrimination based on Perceived Sexual Orientation

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

[] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE
INSTRUMENT
[] 150 RECOVERY OF
OVERPAYMENT &
ENFORCEMENT
OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF
DEFAULTED
STUDENT LOANS
(EXCL VETERANS)
[] 153 RECOVERY OF
OVERPAYMENT
OF VETERAN'S
BENEFITS
[] 160 STOCKHOLDERS
SUITS
[] 190 OTHER
CONTRACT
[] 195 CONTRACT
PRODUCT
LIABILITY
[] 196 FRANCHISE

REAL PROPERTY

[] 210 LAND
CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE &
EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT
LIABILITY
[] 290 ALL OTHER
REAL PROPERTY

PERSONAL INJURY

[] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT
LIABILITY
[] 320 ASSAULT, LIBEL &
SLANDER
[] 330 FEDERAL
EMPLOYERS'
LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT
LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE
PRODUCT LIABILITY
[] 360 OTHER PERSONAL
INJURY

ACTIONS UNDER STATUTES

CIVIL RIGHTS

[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/
ACCOMMODATIONS
[] 444 WELFARE
[] 445 AMERICANS WITH
DISABILITIES -
EMPLOYMENT
[] 446 AMERICANS WITH
DISABILITIES -OTHER
[] 440 OTHER CIVIL RIGHTS
(Non-Prisoner)

PERSONAL INJURY

[] 362 PERSONAL INJURY -
MED MALPRACTICE
[] 365 PERSONAL INJURY
PRODUCT LIABILITY
[] 368 ASBESTOS PERSONAL
INJURY PRODUCT
LIABILITY

PERSONAL PROPERTY
[] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING
[] 380 OTHER PERSONAL
PROPERTY DAMAGE
[] 385 PROPERTY DAMAGE
PRODUCT LIABILITY

PRISONER PETITIONS

[] 510 MOTIONS TO
VACATE SENTENCE
20 USC 2255
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

[] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION

FORFEITURE/PENALTY

[] 610 AGRICULTURE
[] 620 OTHER FOOD &
DRUG
[] 625 DRUG RELATED
SEIZURE OF
PROPERTY
21 USC 881
[] 630 LIQUOR LAWS
[] 640 RR & TRUCK
[] 650 AIRLINE REGS
[] 660 OCCUPATIONAL
SAFETY/HEALTH
OTHER
[] 690

LABOR

[] 710 FAIR LABOR
STANDARDS ACT
[] 720 LABOR/MGMT
RELATIONS
[] 730 LABOR/MGMT
REPORTING &
DISCLOSURE ACT
[] 740 RAILWAY LABOR ACT
[] 790 OTHER LABOR
LITIGATION
[] 791 EMPL RET INC
SECURITY ACT

IMMIGRATION

[] 462 NATURALIZATION
APPLICATION
[] 463 HABEAS CORPUS-
ALIEN DETAINEE
[] 465 OTHER IMMIGRATION
ACTIONS

BANKRUPTCY

[] 422 APPEAL
28 USC 158
[] 423 WITHDRAWAL
28 USC 157

PROPERTY RIGHTS

[] 820 COPYRIGHTS
[] 830 PATENT
[] 840 TRADEMARK

SOCIAL SECURITY

[] 861 HIA (1395f)
[] 862 BLACK LUNG (923)
[] 863 DIWC/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

[] 870 TAXES (U.S. Plaintiff or
Defendant)
[] 871 IRS-THIRD PARTY
26 USC 7609

OTHER STATUTES

[] 400 STATE
REAPPORTIONMENT
[] 410 ANTITRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLU-
ENCED & CORRUPT
ORGANIZATION ACT
(RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV
[] 810 SELECTIVE SERVICE
[] 850 SECURITIES/
COMMODITIES/
EXCHANGE
[] 875 CUSTOMER
CHALLENGE
12 USC 3410
[] 890 OTHER STATUTORY
ACTIONS
[] 891 AGRICULTURAL ACTS
[] 892 ECONOMIC
STABILIZATION ACT
[] 893 ENVIRONMENTAL
MATTERS
[] 894 ENERGY
ALLOCATION ACT
[] 895 FREEDOM OF
INFORMATION ACT
[] 900 APPEAL OF FEE
DETERMINATION
UNDER EQUAL
ACCESS TO JUSTICE
[] 950 CONSTITUTIONALITY
OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
 ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

 IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	1	1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	13	3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	5	5
CITIZEN OF ANOTHER STATE	2	2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	4	4	FOREIGN NATION	6	6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Phillips & Associates
 45 Broadway, Suite 620
 NY, NY 10006 (212) 248 7431

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

212 Steakhouse, Inc.
 316 East 53rd Street
 New York, NY 10022

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 12/12/2014 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

NO
 X YES (DATE ADMITTED Mo. 03 Yr. 2011)
 Attorney Bar Code # AU 7961

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge MAG. JUDGE GORENSTEN is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

